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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
 )  
Amendment of Section 73.202 )  
FM Table of Allotments )  
(Lexington, Henry and Parker's )  
Crossroads, Tennessee) )

MM Docket No. 95-122  
RM-8668

To: Chief, Policy and Rules Division

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REPLY COMMENTS

Richard Bennett by his undersigned counsel, pursuant to the Commission's Notice of Proposed Rulemaking (DA 95-1605), released July 26, 1995, herewith submits his Reply Comments in the above referenced proceeding, as follows:

1. In response to the Notice of Proposed Rulemaking (DA 95-1605), released July 26, 1995, the petitioner, Floriplex, Inc., filed Comments reiterating its support for the allotment of Channel 243A to Lexington, Tennessee, as that community's third local service.

2. Richard Bennett filed his Counterproposal, requesting the allotment of FM Channel 243A to Henry, Tennessee, in lieu of Lexington, Tennessee, thereby providing the community of Henry with its first local service.

3. A third commenting party, Crossroads Broadcasting, filed its Comments and Counterproposal, requesting the allotment of FM Channel 243A to Parker's Crossroads, Tennessee, in lieu of Lexington, Tennessee, which would serve to provide the community

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of Parker's Crossroads with its first local service.

4. Inasmuch as the proposed allotment of Channel 243A to Lexington, Tennessee, would provide that community with its third local transmission service, such proposal must be deemed inferior to the competing proposals for allotment of Channel 243A to either Henry or Parker's Crossroads, Tennessee, both of which would result in the provision of a first local service. Thus, based on the Commission's established allotment criteria, either proposal must be preferred over the proposed allotment of Channel 243A to Lexington, Tennessee. See: Revision of FM Assignment Policies and Procedures, 90 FCC2d 88 (1982).

5. As between the competing proposals for allotment of Channel 243A to Henry or Parker's Crossroads, Tennessee, the following relevant factors must be considered. As regards population, Parker's Crossroads had a 1990 Census population of 161, while Henry had a population of 317, almost twice as large as that of Parker's Crossroads. With regard to the respective indicia of community identity enjoyed by the two communities, \_\_\_/ it appears that both are incorporated and have a mayor/board of aldermen form of government. However, while Henry has its own post office and zip code, the post office located in Parker's Crossroads is indentified with the community of Wildersville, Tennessee, not Parker's Crossroads. Furthermore, Parker's

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1. For purposes of this discussion the representations regarding the community of Parker's Crossroads, contained in Crossroads Broadcasting's Comments and Counterproposal, are assumed to be accurate.

Crossroads does not have its own zip code. More importantly, while Henry provides a number of essential services to its residents, including police and fire protection and water service, Parker's Crossroads provides no such services, which instead are provided to the residents of Parker's Crossroads by Henderson County. Therefore, on the basis of population, as well as on the basis of the respective indicia of community identity of the two communities, it is evident that Henry is the more significant of the two communities for allotment purposes and, thus, the more deserving of the allotment at issue.

6. In further support of the requested allotment of FM Channel 243A to Henry, Tennessee, the attached Engineering Statement is herewith submitted, which serves to provide a more detailed and complete technical analysis, as well as information concerning the populations that would receive service from the three competing proposals for the allotment of Channel 243A. As reflected in the attached Engineering Statement, the requested allotment of Channel 243A to Henry, Tennessee, would provide new service to 53,334 persons, while the allotment of Channel 243A to either Lexington or Parker's Crossroads would provide new service to only 33,587 or 35,302 persons, respectively.

7. Therefore, not only would the allotment of FM Channel 243A provide a first local service to Henry, a more significant community for allotment purposes than Parker's Crossroads, but the allotment of Channel 243A to Henry also would provide new service to 18-19,000 more persons than would its allotment to

either Lexington or Parker's Crossroads, Tennessee. Accordingly, based on the Commission's established allotment criteria and precedent, the allotment of FM Channel 243A to Henry, Tennessee, would best serve the public interest.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202 of its Rules by allotting FM Channel 243A to Henry, Tennessee.

Respectfully Submitted,

RICHARD BENNETT

By: 

Timothy K. Brady  
His Attorney

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October 2, 1995

**ENGINEERING STATEMENT  
ON BEHALF OF  
RICHARD BENNETT  
HENRY, TENNESSEE**

**COUNTER PROPOSAL TO LEXINGTON, TENNESSEE  
RM-8668**

**INTRODUCTION:**

This Engineering Statement has been prepared on behalf of Richard Bennett, Henry, Tennessee, the petitioner in support of a counter proposal to assign Channel 243-A, to Henry, Tennessee, in lieu of Lexington, Tennessee. This proposal would be in full compliance with the minimum distance separation required between stations in Rule 73:207. This assignment can be made to Henry, Tennessee, without any other changes in the table of assignments as amended. This proposal, however, is in conflict with the one proposed for Lexington, Tennessee. Therefore, it is considered a counter proposal to Lexington, Tennessee, RM-8668.

**ALLOCATION STUDY:**

A computer allocation study has been made to determine that this channel can be utilized at Henry, Tennessee. That allocation study is attached to this engineering statement as Exhibit 1. The petitioner is familiar with the area and feels

that a site can be found for the antenna and transmitter in the area of the following coordinates, N. Lat. 36-10-07 W. Lng. 88-25-13. This site meets all the requirements of the rules concerning the assignment of 243-A to Henry, Tennessee.

### **CONTOUR CONSIDERATION:**

**Exhibit 2** is a computer generated map which illustrates that this Channel, operating as a Full Class A, can comply with the minimum spacing requirement of 73:207 and place a city grade contour over the City of Henry, Tennessee. **Exhibit 3** shows the area where the antenna and transmitter may be located. In order to determine that a city grade contour would be provided to the city from the hypothetical coordinates, a terrain study was conducted from those coordinates and the procedure set out in the commissions rules was utilized. **Exhibit 2** confirms that this counter proposal complies with 73:315, and places a 70 dBu contour over the complete City of Henry, Tennessee. **Exhibit 4** is a tabulation of all eight radials utilized in this study. These tabulations give the average elevation from 3 to 16 kilometers in meters AMSL, the effective antenna height in meters above AAT, and the distance to the 70 dBu city grade contour and the 60 dBu service grade contour. When determining the Average Elevation above the terrain, only the eight cardinal radials

were utilized. The ninth radial, which is the one passing through the center of Henry, Tennessee, was not included in the average.

**Exhibit 5** is a computer generated map which illustrates the 70 dBu contour and the 60 dBu contour. These are the predicted field intensity contours and indicate only the approximate extent of coverage over average terrain in the absence of interference. We have conducted a study to determine which of the proposals would cover the maximum number of people. Utilizing the procedures set forth in the Commissions Rules, we have determined that the proposal at Henry, Tennessee, would serve 19,747 more people than the proposal for Lexington, Tennessee, and 18,032 more people than the proposal for Parkers Crossroads, Tennessee.

We arrived at the above calculations as follows: We determined the distance to the 60 dbu contours based upon the reference coordinates utilized in each proposal. The number of people in the 60 dbu contour for each of the proposals is as follows: Henry, Tennessee, 53,334, Lexington, Tennessee, 33,587, and Parkers Crossroads, Tennessee, 35,302. In making these calculations maximum Class A facilities was assumed for each proposal.

### **CONCLUSION:**

Based on this information, it appears that this channel

can be assigned to Henry, Tennessee, as a Class A, and complies with the Commissions Rules 73:207 and 73:315. In addition, it will be far more beneficial to the general public to assign this channel to Henry, Tennessee, than to Lexington or Parkers Crossroads, Tennessee. Therefore the petitioner request the amendment of the Federal Communications Commissions Table of Assignments 73:202(b), by assigning Channel 243-A to Henry, Tennessee, in lieu of Lexington or Parkers Crossroads, Tennessee. When this channel is assigned to Henry, Tennessee, the petitioner will promptly apply for a construction permit to construct a Full Class A station at Henry, Tennessee.

/s/ Olvie E. Sisk

Olvie E. Sisk

Sisk Engineering, Inc.

Fulton, Mississippi

September 28, 1995

## **KEY TO EXHIBITS**

**EXHIBIT 1: ALLOCATION STUDY**

**EXHIBIT 2: CITY CONTOUR MAP**

**EXHIBIT 3: MAP SHOWING SITE AREA**

**EXHIBIT 4: DISTANCE TO CONTOURS**

**EXHIBIT 5: SERVICE CONTOURS**

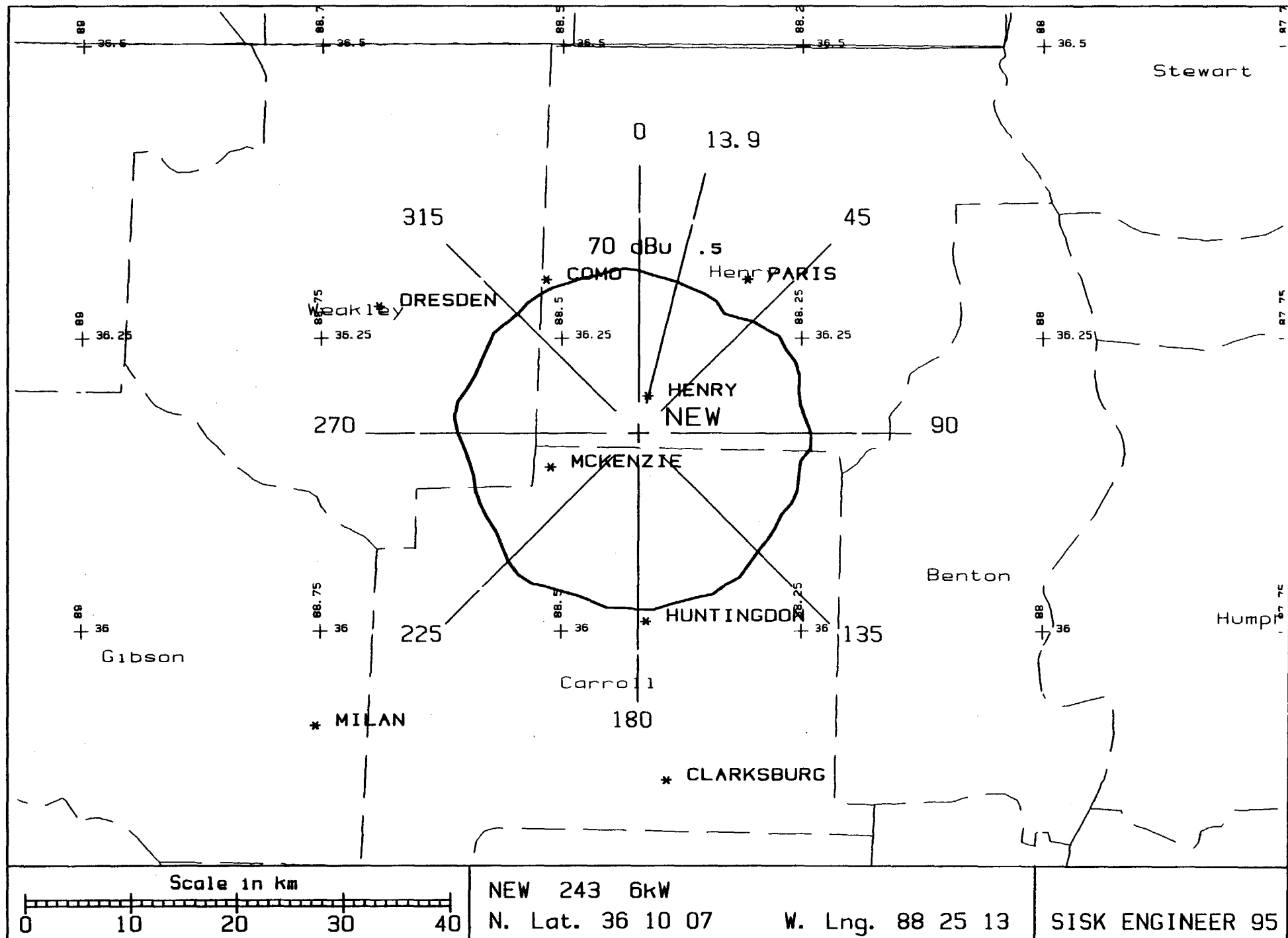
# EXHIBIT 1

GENE SISK - SISK ENGINEERING  
HWY. 25 S. - RADIO BUILDING - FULTON MS 38843

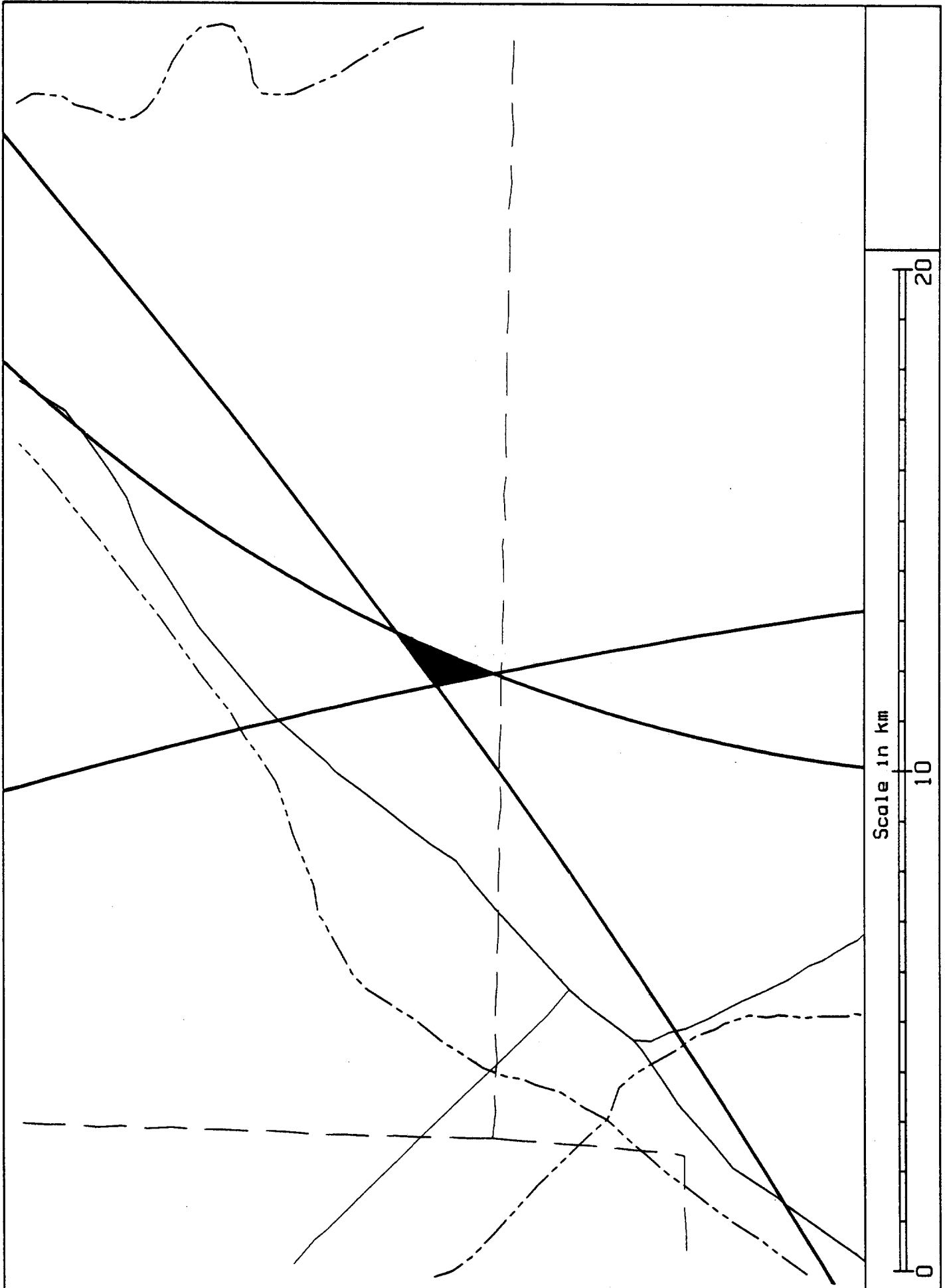
HENRY TN.

REFERENCE		CLASS A	DISPLAY DATES
36 10 07 N			DATA 09-01-95
88 25 13 W	Current rules spacings		SEARCH 09-28-95
----- CHANNEL 243 - 96.5 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AD243	243A	Lexington	TN	173.0	49.50	115.0	-65.50 *
ALOPEN	240A	Camden	TN	113.4	31.16	31.0	0.16 <
WRAJFM	243C2	Anna	IL	323.4	166.26	166.0	0.26 <
KHLS	242C1	Blytheville	AR	258.3	133.57	133.0	0.57 <
WNKXFM	244A	Centerville	TN	116.2	85.73	72.0	13.73
WRMX.C	242C1	Murfreesboro	TN	85.7	147.20	133.0	14.20
WDDJ	245C1	Paducah	KY	350.1	104.76	75.0	29.76
DE244	244A	Bolivar	TN	202.7	110.47	72.0	38.47
WMOD	244A	Bolivar	TN	202.7	110.47	72.0	38.47
WRMX	242C1	Murfreesboro	TN	93.0	178.56	133.0	45.56



# EXHIBIT 3



# EXHIBIT 4

## TERRAIN AND CONTOUR DATA HENRY TN.

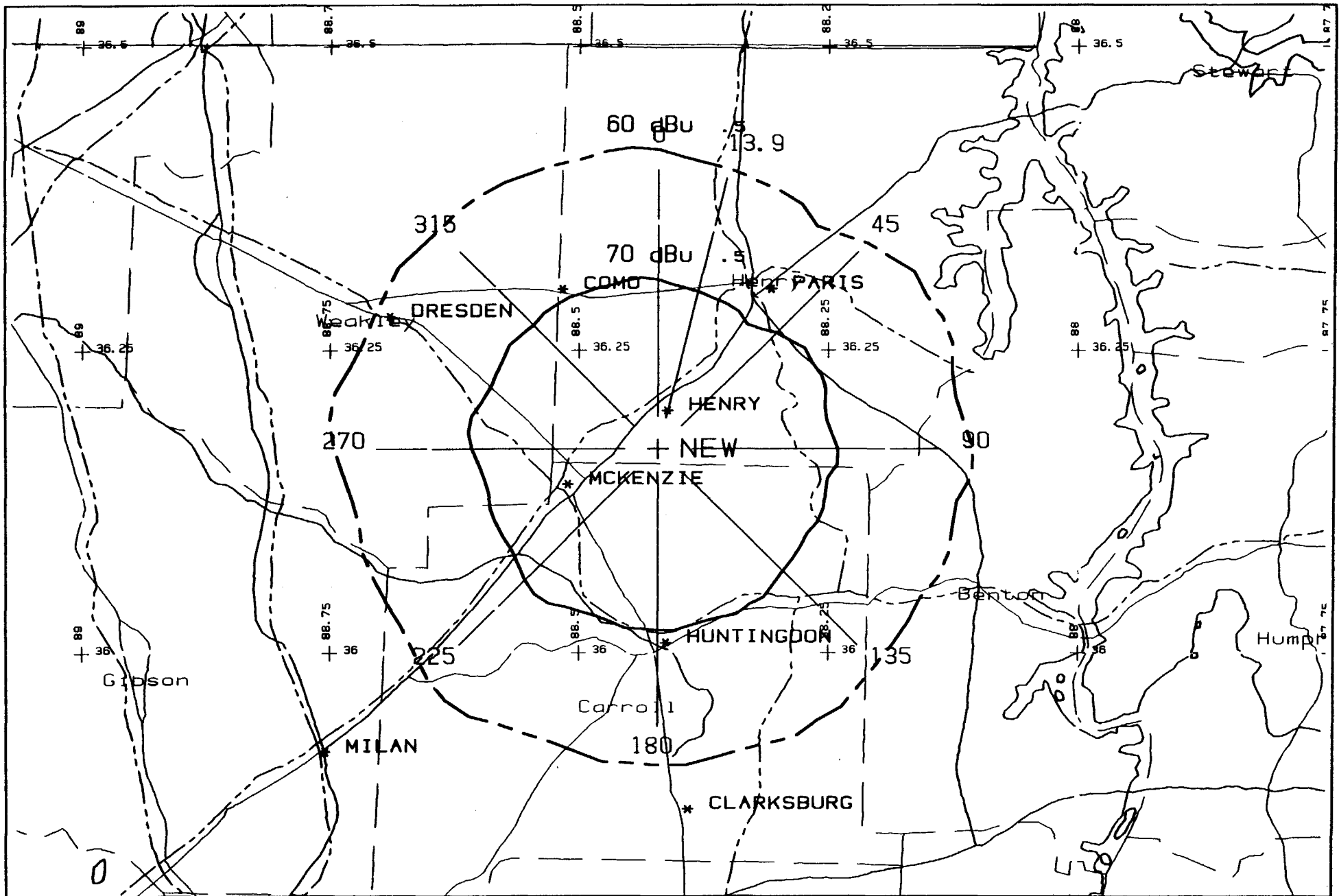
ERP = 6 kW  
FM - 2-6 Tables

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 70 dBu Contour km	F(50-50) Distance to 60 dBu Contour km
0	146.0	92.8	7.782	15.5	27.3
45	150.8	88.0	7.782	15.0	26.6
90	138.5	100.3	7.782	16.2	28.3
135	141.7	97.1	7.782	15.9	27.9
180	133.9	104.9	7.782	16.6	28.9
225	128.5	110.3	7.782	17.1	29.6
270	131.1	107.7	7.782	16.9	29.3
315	139.9	98.9	7.782	16.1	28.1
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Ave. = 138.8 M      100.0 M					

Antenna Radiation Center AMSL = 238.8 M

### Geographic Coordinates:

North latitude: 36 10 07  
West longitude: 88 25 13

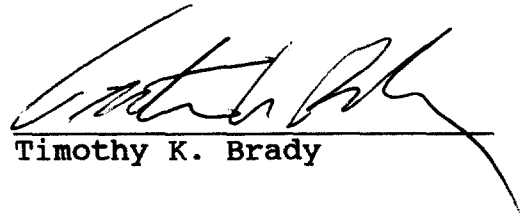


CERTIFICATE OF SERVICE

I, Timothy K. Brady, hereby certify that I have, this  
2nd day of October, 1995, served a copy of the foregoing Reply  
Comments by First Class mail, postage prepaid upon the following:

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Timothy K. Brady